

### **Remarks**

Claims 1-7 and 9 stand rejected. Claims 8, 23, and 24 are objected to as based on rejected base claims. Claims 10-14 are allowed.

The following rejections are maintained:

- Claims 1, 3, 4, and 9 as anticipated by Kimura.
- Claims 2, 5, and 7 as obvious over Kimura in view of Tyler.

Applicants submitted a Declaration under Rule 131 to demonstrate an earlier date of invention than Kimura's publication date. The declaration, however, was not persuasive because it failed to establish that conception and completion of the invention occurred in this country, in a NAFTA country, or in a WTO member country. (Office Action at page 2; Examiner Interview of August 16, 2007.) Applicants submit a Supplemental Declaration under Rule 131 which establishes that the acts of conception and reduction to practice occurred in the U.S.

Thus, Kimura does not qualify as prior art under Section 102(a) as was asserted by the Patent Office. In the absence of Kimura as prior art, both the anticipation and obviousness rejections fail.

Allowance of all pending claims is respectfully requested.

### **Examiner Interview of August 16, 2007**

The undersigned attorney contacted Examiner Joyce by telephone on August 16, 2007. The undersigned attorney requested clarification of the reasons why the Declaration under Rule 131 was found unpersuasive and whether a supplemental declaration would be considered in this application. The examiner indicated that the declaration failed because it failed to demonstrate conception and reduction to practice in an appropriate geographic location. The examiner further indicated that a supplemental declaration would be considered in this application because it would not raise any new issues for consideration.

Respectfully submitted,

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